

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

APR 28 1998

PATRICK FISHER
Clerk

CYNTHIA STORER,

Plaintiff-Appellant,

v.

COUNTY OF SANTA FE; SANTA FE
SOLAR HOMES; KEITH
MACDUFFEE; HOLLY HART,
Attorney; ATTORNEY GENERAL,
Consumer Protection Division; TINI
GARCIA; RISK MANAGEMENT OF
C.I.D.; ORLANDO MARTINEZ;
ED'S FLOOR; BRUCE BEERS-
GREEN; JOHN STEVER; KORTZ,
Journeyman; KISSENGER,
Journeyman; POND GENALD,
Appraiser; AMREP; ECIA;
ELDORADO SUBDIVISION; THE
DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT;
INTERSTATE LENDING
CORPORATION; FIRST
INTERSTATE MORTGAGE;
C. FRIEDMAN,

Defendants-Appellees.

No. 97-2198
(D.C. No. CIV-96-1582-JC)
(D. N.M.)

ORDER AND JUDGMENT*

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order
(continued...)

Before **TACHA, LOGAN, and LUCERO**, Circuit Judges.

The district court, after finding plaintiff's complaint incomprehensible, granted defendants' motions to dismiss for failure to state a claim upon which relief could be granted.¹ See Fed. R. Civ. P. 12(b)(6).

We uphold a dismissal under Fed. R. Civ. P. 12(b)(6) only when it appears that the plaintiff can prove no set of facts in support of the claims that would entitle [her] to relief, accepting the well-pleaded allegations of the complaint as true and construing them in the light most favorable to the plaintiff.

Yoder v. Honeywell Inc., 104 F.3d 1215, 1224 (10th Cir.) (quotation omitted), cert. denied, 118 S. Ct. 55 (1997). After our de novo review of the briefs, pleadings, and record in this case, we agree with the district court that plaintiff's claims are incomprehensible and further conclude that this appeal is frivolous.

^{*}(...continued)

and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

¹ After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. See Fed. R. App. P. 34(a); 10th Cir. R. 34.1.9. The case is therefore ordered submitted without oral argument.

The judgment of the United States District Court for the District of New Mexico is AFFIRMED.

ENTERED FOR THE COURT

Carlos F. Lucero
Circuit Judge